

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: September 17, 2009

ZCPA 2009-0001, Falcons Landing

DECISION DEADLINE: May 4, 2010

ELECTION DISTRICT: Sugarland Run **PROJECT PLANNER:** Jane McCarter

EXECUTIVE SUMMARY

Air Force Retired Officers Community of Washington, D.C., has submitted an application to amend the concept plan and proffers approved with ZCPA 2000-0007/SPEX 2000-0024, West Falls Center, Falcon's Landing Alzheimer - Assisted Living in order to eliminate the proffer requirement for construction of a portion of off-site pedestrian trail between the Falcons Landing and West Falls developments, with no resulting change in density, in the PD-H4 (Planned Development-Housing) zoning district. This application is subject to the Revised 1993 Zoning Ordinance. The property is approximately 2.21 acres in size and is located approximately 900 feet southeastward of the intersection of Algonkian Parkway (Route 1582) and Cascades Parkway (Route 1794), at 46661 Algonkian Parkway, Sterling, Virginia in the Sugarland Run Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Potomac Community)), the Loudoun County Bicycle and Pedestrian Mobility Plan, and the Revised Countywide Transportation Plan which designate this area for Residential uses and which recommend residential neighborhoods of 4.0 dwelling units acre and high density residential areas at 8.0 to 24.0 dwelling units per acre.

RECOMMENDATION

Staff recommends this application be forwarded to the Board of Supervisors with a recommendation for approval. Eliminating the construction of this trail portion does not adversely impact that connectivity. Eliminating the trail would protect significant environmental features from disturbance related to grading and trail construction.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2009-0001, Falcons Landing, to the Board of Supervisors with a recommendation of Approval, subject to the Proffer Statement dated July 30, 2009 and with the Findings in the September 17, 2009 Staff Report.

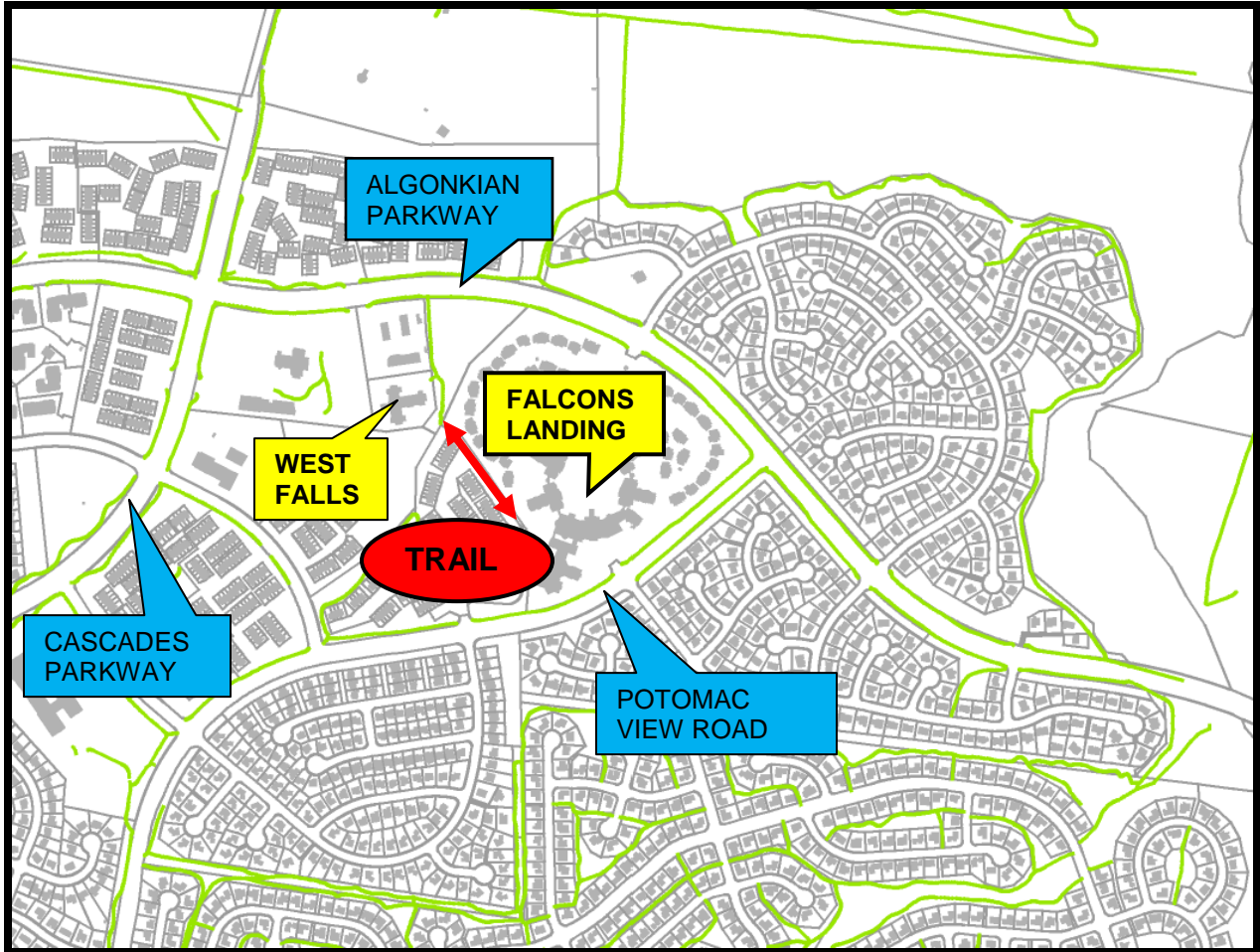
OR,

2. I move that the Planning Commission forward ZCPA 2009-0001, Falcons Landing, to a work session for further review.

OR,

3. I move that the Planning Commission forward ZCPA 2009-0001, Falcons Landing, to the Board of Supervisors with a recommendation of Denial.

VICINITY MAP



Directions: From Leesburg, proceed east on Harry Byrd Highway (Route 7) approximately 10.5 miles to the intersection with Cascades Parkway (Route 1794) on the left. Proceed left (north) on Cascades Parkway approximately 2 miles to the intersection with Algonkian Parkway (Route 1582). Turn right onto Algonkian Parkway and proceed approximately 1/4 mile east to the entrance to West Falls Center on the right. The existing trail is between West Falls Center and Falcons Landing to the east of the parking area. The trail portion not yet constructed would continue through the stream and up the hill to the east into the Falcons Landing community.

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I. APPLICATION INFORMATION

**APPLICANT/
PROPERTY OWNER:** Air Force Retired Officers Community
Mr. Hardy Lister, CFO
20522 Falcons Landing Circle
Sterling, Virginia 20165
703-404-5145

REPRESENTATIVE: Air Force Retired Officers Community
Mr. Hardy Lister, CFO
20522 Falcons Landing Circle
Sterling, Virginia 20165
703-404-5145

REQUEST: Zoning Concept Plan Amendment to remove a proffer requirement for construction of an offsite pedestrian trail. (Proffer V.D.; ZCPA 2000-0007/SPEX 2000-0024)

LOCATION/ADDRESS: 46661 Algonkian Parkway, Sterling, VA. Approximately 0.25 mile east of the intersection of Cascades Parkway (Route 1794) and Algonkian Parkway (Route 1582).

TAX MAP/PARCEL#: /81/V11//I1B2/ #011-47-2338-000

ZONING: PD-H4 (Planned Development – Housing – 4)

ACREAGE: Approximately 2.21 acres

SURROUNDING ZONING/LAND USES:

	ZONING	PRESENT LAND USES
NORTH	PD-H4	Commercial Industrial/Retail
SOUTH	PD-H4	Residential
EAST	PD-H4	HOA, Vacant/Residential
WEST	PD-H4	Educational/Church

II. SUMMARY OF DISCUSSION

TOPIC/ISSUE AREA	ISSUES EXAMINED AND STATUS
Comprehensive Plan	<ul style="list-style-type: none"> Consistency with the elimination of the trail portion with the guidelines of the <u>Revised General Plan</u> (RGP) and <u>Bicycle and Pedestrian Mobility Master Plan</u> supporting pedestrian linkages. Status: No issue; pedestrian linkages provided throughout area are consistent with RGP. Consistency with the protection of environmental features with the guidelines of the <u>Revised General Plan</u> (RGP). Status: No issue; trail portion removal would protect existing steep slopes, floodplain, forest cover and wetlands areas and are consistent with RGP.
Zoning	<ul style="list-style-type: none"> Revise notes on the plat to include floodplain overlay district, steep slopes, and plat correction notes. Status: Resolved and provided. Provide all property owners and parcels within the application. Status: Resolved and provided. Revise the Proffer Statement to note compliance with the Revised Plat. Status: Resolved with Proffer Statement and Revised Plat notes.
Transportation	<ul style="list-style-type: none"> Address bicycle and pedestrian connectivity. Status: Resolved with map locating bicycle and pedestrian connections within and between the existing communities. Address private bus or shuttle service. Status: Resolved. Existing transportation services provided on demand.
Disclosure of Real Parties in Interest	<ul style="list-style-type: none"> Received on September 3, 2009.

Policy or Ordinance Sections Subject to Application
<u>Revised General Plan</u>
Chapter 4: Recommended Policies and Guidelines of the Bike/Ped Plan
Chapter 5: The Green Infrastructure/Group One/C. Surface and Groundwater Resources.
Chapter 5: The Green Infrastructure/Group One/D. Geologic and Soil Resources..
Chapter 5: The Green Infrastructure/Group One/E. Forests, Trees and Vegetation.
Chapter 6: Suburban Policy Area/Land Use Categories/A. Residential.
Chapter 11: Implementation/Design Guidelines/B. Suburban Community.
<u>Revised Countywide Transportation Plan</u>
Chapter 2: Multi-Modal Networks/ Pedestrian and Bicycle Facilities Policies.
<u>Bicycle and Pedestrian Mobility Master Plan</u>
Chapter 5: Recommended Bicycle and Pedestrian Network Guidelines.
<u>Revised 1993 Zoning Ordinance</u>
Section 4-1500, Floodplain Overlay District.
Section 5-1508, Steep Slopes.
Section 6-1210, Zoning Amendment Issues for Consideration.
Section 6-1211, Rezoning Issues for Consideration.

III. FINDINGS

1. The proposed zoning amendment seeking a change to the existing trail plan is consistent with the land use and green infrastructure policies of the Revised General Plan. Elimination of this trail portion would protect significant environmental features of steep slopes, wetlands, forest cover and minor floodplain from disturbance associated with construction.
2. The request is consistent with the Bicycle Pedestrian Mobility Master Plan in ensuring connectivity is provided both within the site and with the adjacent developments through the existing sidewalk and trail facilities.

IV. PROJECT REVIEW

A. CONTEXT

The site subject to this application is a 2.21 acre parcel that was granted special exception approval for an assisted living facility, a convenience store and a gas station (West Falls, ZCPA 2000-0007/SPEX 2000-0027). West Falls is bordered to the north by retail and commercial uses (gas station/convenience store), to the west by a church, and to the east and south by residential uses. As part of the previous approvals, a pedestrian trail was proposed to connect the assisted living facility to the existing Falcon's Landing retirement facility. Both the assisted living facility and the Falcon's Landing facility are separate gated communities which are completely fenced along their boundaries.

The approved proffer statement associated with the ZCPA 2000-0007 zoning amendment (*Attachment 14*) contained a requirement to construct an off-site pedestrian trail connecting the two projects; the trail would run between the existing townhouse units on Morningside Terrace (*see map Page 9*). The Applicant seeks to remove the proffer requirement to construct this trail connection and notes this request is based upon community opposition to trail construction at this location. There is an alternative trail connection already in place between Falcons Landing and West Falls and a comprehensive trail and sidewalk system throughout the area providing connectivity. Elimination of this portion of the trail construction would eliminate the proposed construction within the floodplain and steep slopes areas of the site as well as preserve existing wetlands and forest cover.

B. SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues with this application. The proffer statement is currently under review.

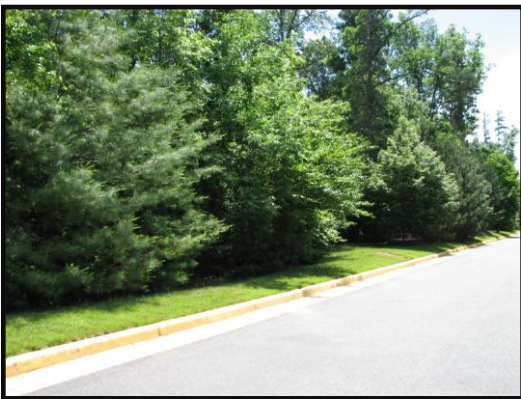
C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan, the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan), and the Revised Countywide Transportation Plan (Revised CTP).

The subject site is located in the Potomac Community within the Suburban Policy Area. It is planned for Residential uses (Revised General Plan, Chapter 7, Planned Land Use Map). The County's overall land-development strategy is to encourage compact, mixed-use developments that provide people with the opportunity to live, work, recreate and shop in a pedestrian-friendly environment (Revised General Plan, Chapter 6, Residential, text). The Bike/Ped Plan emphasizes the importance of providing pedestrian access to and through developments, connections to adjacent developments and circulation within the community (Bike/Ped Plan, Chapter 4, Land Development, text).

When this site was developed, it was envisioned that a trail would be provided along the eastern boundary of the West Falls development to provide an internal connection between the two Falcons Landing facilities and the townhouses to the south. Over time, it has been identified that this trail is not desirable, as both facilities are gated and the residents were not interested in the connection. Further, the adjacent residential townhouse development to the south is an established neighborhood and according to the applicant, is not interested in the trail connection. Sidewalks are provided along the road frontages of the sites that provide pedestrian connections to all the adjacent facilities. While the Plan encourages internal connections between developments, it appears that the internal trail connection between the gated communities is not necessary and would be underutilized by the communities.



Further, the proffered trail crosses the property in a location that would result in the disturbance of Green Infrastructure elements as shown above. The Green Infrastructure is a collection of natural, cultural, heritage, environmental, protected, passive, and

active resources that are integrated into a related system. The County uses integrated management strategies for the Green Infrastructure to ensure that all land use planning and development respect and preserve the holistic nature of the elements of the Green Infrastructure (Revised General Plan, Chapter 5, Green Infrastructure Policies, policy 2). Disturbance to minor floodplain, steep slopes, forest cover and wetlands would occur with the construction of this trail portion.

Given that the trail is not desired by the residents in the Falcons Landing or West Falls facilities, nor in the adjacent communities, disturbance of these environmental features may not be justifiable. Allowing the elimination of the trail would better protect the existing natural resources on-site.

The proposed concept plan amendment application to eliminate the proffered trail complies with the planned Residential policies of the Revised General Plan. Existing pedestrian linkages provide adequate access to the adjacent properties. Eliminating the trail would protect significant environmental features from disturbance related to grading and trail construction. Staff recommends approval of the application.

ZONING

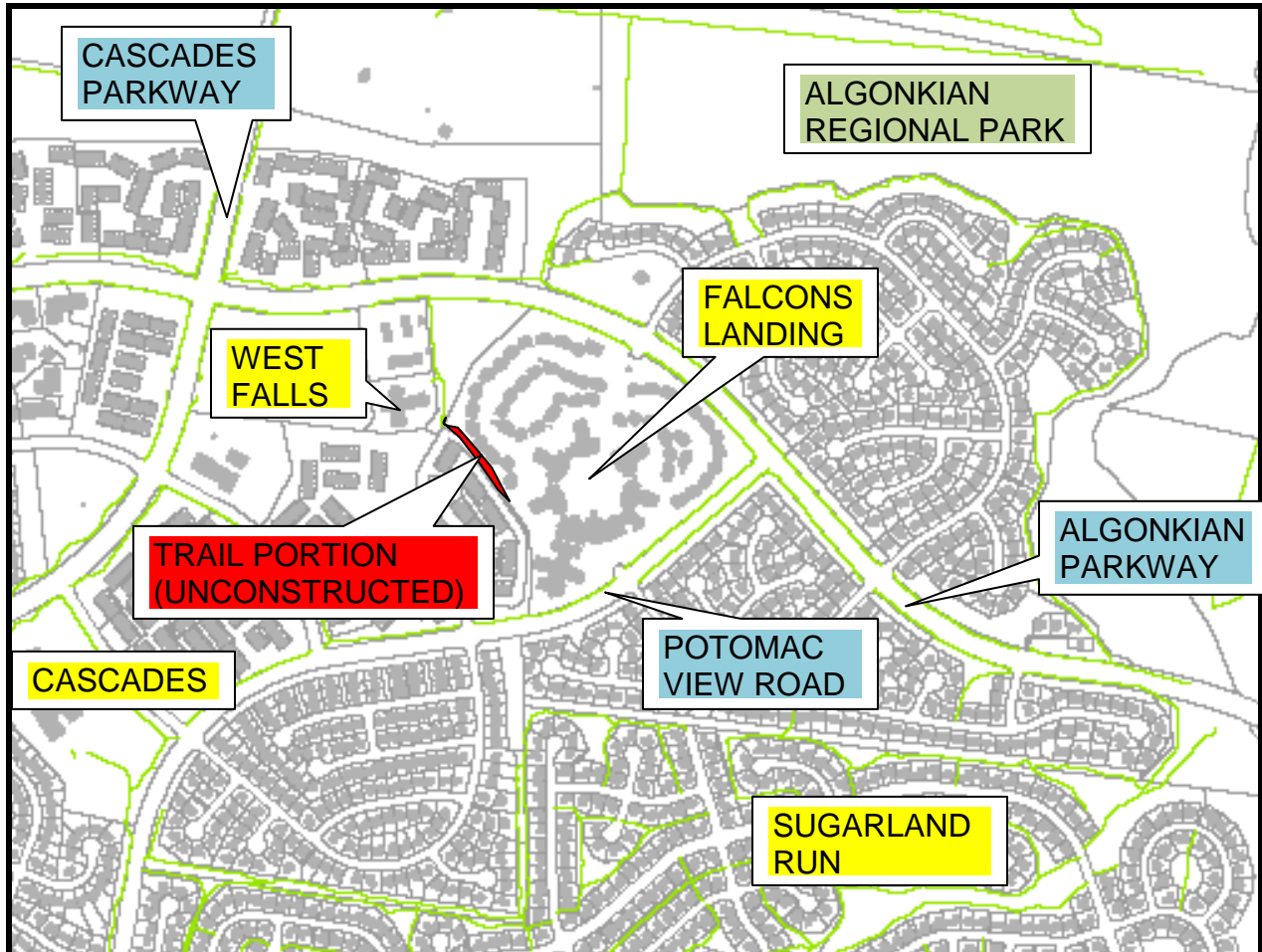
The property is currently zoned PD-H4 (Planned Development-Housing 4) administered as PD-CC-CC (Planned Development-Commercial Center-Community Center), under the Revised 1993 Loudoun County Zoning Ordinance. Staff sought corrections to the plat and a revised proffer statement. The revised proffer statement requests the elimination of Proffer V.D. of ZCPA 2000-0007 which requires the construction of an offsite trail as discussed above. The Applicant has provided a revised proffer statement and plat to address these concerns. Staff recommends approval of the application.

TRANSPORTATION

Access to the trail portion under consideration would be from Morningside Terrace. The Applicant's traffic statement (*Attachment 23*) indicates that Morningside Terrace is the only street that would be impacted by this application, and states that the removal of the proffered trail construction requirement will not generate any additional vehicle trips nor create any safety issues.

The first goal of the 2003 Bike & Ped Plan is to "develop a comprehensive walkway, bikeway and shared-use path network among residential neighborhoods, towns, workplaces, shopping centers, transit stations, historic districts, schools, libraries, recreation centers, parks, etc." (Bike & Ped Plan p. 11). While completion of the subject proffered trail is consistent with this goal, this connectivity has been achieved with the existing sidewalk and trail network. This trail portion appears redundant and its necessity is in question when the impacts to the Green Infrastructure elements of floodplain, steep slopes, forest cover and wetlands are considered. The Applicant has demonstrated in the map below the comprehensive nature of the existing trail and sidewalk system as well as the minimal impact removal of this portion would have upon the connectivity of the area.

Staff requested the Applicant provide details regarding any private bus or shuttle service operating between Falcons Landing and West Falls. The Applicant stated that a bus service had been provided, however use was only one or two residents per day. The service was cancelled and the transportation is now provided by drivers, activity aides, and security personnel upon request. Staff recommends approval of the application.



Existing trail and sidewalk network is shown in green. The trail portion shown in red is the subject of this application and would not be constructed.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states " ... if the application is for reclassification of property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

- (1) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

The proposed minor modification to ZCPA 2000-0007 is consistent with the Revised General Plan. The revision eliminates a small portion of the proposed trail segment, however, the trail continuity and connectivity for this area remains intact with alternative connections throughout the area (see map Page 9).

- (2) *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

There have been no changes in the area that would alter the planned land use pattern and policies.

- (3) *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

The applicant proposes no changes to the existing approved uses.

- (4) *Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

These concerns are not applicable to this zoning concept plan amendment request. The purpose of this request is to eliminate the proffer requirement for construction of a portion of off-site pedestrian trail between the Falcons Landing and West Falls developments.

- (5) *The effect of the proposed rezoning on the county's ground water supply.*

The proposed developments are served by public water and sewer. This zoning concept plan amendment request will not impact this item.

- (6) *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*

Removal of this portion of the proposed trail construction will eliminate a portion of the trail from the floodplain and the adjacent steep slopes.

- (7) *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

It is estimated that the effect on traffic generated by this zoning concept plan amendment will add no additional daily trips to the area road network. The Applicant has designed the site to allow for internal pedestrian and bicycle mobility with trail and

sidewalks throughout the project, and connectivity to the adjacent properties to the site provided along Algonkian Parkway and Potomac View Road.

- (8) *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

A rezoning of the property is not under consideration.

- (9) *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.*

The proposed alteration to the trail design avoids the stream corridor and wetland areas of the site as well as a steep slope portion of the site. Connectivity of the trail system is retained through other points of access within and around the community.

- (10) *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

These concerns are not applicable to this zoning concept plan amendment request.

- (11) *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

These concerns are not applicable to this zoning concept plan amendment request.

- (12) *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

These concerns are not applicable to this zoning concept plan amendment request.

- (13) *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

While completion of the subject proffered trail is consistent with this goal, this connectivity has been achieved with the existing sidewalk and trail network. This zoning concept plan amendment request would minimize the impacts to the Green Infrastructure elements of floodplain, steep slopes, forest cover and wetlands.

- (14) *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.*

These concerns are not applicable to this zoning concept plan amendment request.

- (15) *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

These concerns are not applicable to this zoning concept plan amendment request.

- (16) *The effect of the rezoning on the natural, scenic, archeological, or historic features of significant importance.*

The proposed design could protect more of the natural features of the site such as the steep slope and floodplain areas of the stream valley. The proposed revision ensures a continued connectivity of the trail and sidewalk system outside this sensitive area.

V. ATTACHMENTS (Attachments are available on the county website or in the Planning Department.)	PAGE NUMBER
1. Review Agency Comments	
Comprehensive Planning (06-16-09)	A-1
Zoning (08-17-09, 05-26-09)	A-4
Office of Transportation Services (06-24-09)	A-8
2. Disclosure of Real Parties in Interest (09-03-09)	A-24
3. Applicant's Statement of Justification (07-30-09)	A-30
4. Applicant's Response to Referral Comments (07-30-09)	A-35
5. Proffer Statement (07-30-09)	A-37
6. Zoning Concept Plan Amendment Plat (05-01-09)	Attached